## LAWS, RULES, SELECTED CASE LAW, POLICIES, AND GUIDANCE SUPPORTING SAFE SCHOOLS

Source	Citation	Summary
		Prevention and Early Intervention
State	Iowa Code §256.11 & 281 Iowa Admin. Code 12.5(2)-(5) (Accreditation Standards)	Education Program  Requires that kindergarten programs include experiences that develop healthy emotional and social habitswith experiences relating to the development of life skills and human growth and development. Education program standards for health education K-12 include requirements for instruction in safety and survival skills; substance abuse and nonuse, encompassing the effects of alcohol, tobacco, drugs and poisons on the human body; self-esteem, stress management, and interpersonal relationships; and emotional and social health.
State	Iowa Code §280.9 & 281 Iowa Admin. Code 12.5(7) (Accreditation Standards)	Career Education  Requires incorporation of career education into the total educational program with inclusion of awareness of self in relation to others and the needs of society; exploration of employment opportunities; experiences in personal decision-making; experiences that help students connect work values into all aspects of their lives; and the development of employability skills.
Federal	HR1 No Child Left Behind Act of 2001, (NCLBA), Title IVA (2001)	Safe and Drug-Free Schools and Communities Act-Title IVA  Title IVA of the No Child Left Behind Act of 2001, the Safe and Drug-Free Schools and Communities Act, is the Federal government's primary vehicle for reducing violence, drug, alcohol, and tobacco use in schools through education and prevention. The seventh goal of the act states that all schools will be free of drugs and violence and the unauthorized presence of firearms and alcohol, and offer a disciplined environment conducive to learning. Funding authorized in this program is allocated to all school districts based on enrollment figures, as well as to districts identified as having greatest need. Additional grants through the Governor's portion of the program are provided to communities in a competitive grant process.
State	Iowa Code §256.11 & 281 Iowa Admin. Code 12.5(8) (Accreditation Standards)	Multicultural, Gender Fair  Requires that schools and school districts use a multicultural, gender fair approach, including approaches to instruction in the educational program. Chapter 12 requires school boards to establish a policy to ensure that students are free from discriminatory practices in the educational program and identifies the people who should be involved in the development of that policy. These provisions also define the terms "multicultural" and "non-sexist."
State	Iowa Code §256.11 & 281 Iowa Admin. Code 12.5(13), (Accreditation Standards)	Requires school districts to incorporate provisions for at-risk students in their comprehensive school improvement plans. These provisions include procedures for identification of at-risk students, modified instructional practices; specialized curriculum; parental involvement and in-school and community-based support services; and plans for review and evaluation of the district's at-risk program.
State	Iowa Code §257.38 – 257.41 281 Iowa Admin. Code 12.5(13)	Dropout Prevention and Support Services for Dropouts  Provides for making separate schools, programs, and support services available to eligible students for dropout prevention (students at risk of dropping out) and returning dropouts through cooperative efforts between school districts, and cooperative arrangements between school districts and other educational agencies and related service providers. Allowable growth funds may be used for this purpose as long as plans serve both populations. Respective responsibilities of LEAs, AEAs, and the Department of Education are outlined.

Source	Citation	Summary
State	Discussion IASB's Student Issues Manual, p. 17 Team (1997)	Assistance Teams  Building/Teacher/Student Assistance Teams, common in Iowa school districts, deal with and attempt to resolve a wide range of issues affecting students, from substance abuse to learning and behavior problems. The composition and function of Building Assistance Teams varies from district to district.
State	Iowa Code §232.191(2) & 441 Iowa Admin. Code 151.31	Juvenile Court School Liaisons  Provides for schools and Juvenile Court Services to collaborate and share costs for school-based supervision programs. Staff people, known as Juvenile Court School Liaisons, are hired to provide on-site services at middle and high schools to students engaging in truancy or other behavior problems at home, at school, or in the community.
State	Iowa Code §280.25	Joint/Collaborative Case Planning  Allows schools, Juvenile Court Services, the Department of Human Services, and other juvenile justice agencies to share information about a student, pursuant to an Information Sharing Agreement, in order to jointly plan and coordinate services to the student and the student's family. The purpose of Information Sharing Agreements is to enable schools and juvenile justice agencies to work together to prevent or reduce juvenile delinquency, drug and alcohol use, and problems in school.
Federal	PL 107-110 No Child Left Behind Act (NCLBA), 2001, Title IVA, Subpart 1, §4001 et seq. (2001)	Safe and Drug-Free Schools and Communities Act-Title IVA: State Grants The State Grants part of Title IV, Part A of the No Child Left Behind Act of 2001, the Safe and Drug-Free Schools and Communities Act (SDFSCA), is the Federal government's primary vehicle is to support programs that prevent violence in and around schools; that prevent illegal use of alcohol, tobacco, and drugs; that involve parents and communities; and that are coordinated with related Federal, State, school, and community efforts and resources to foster a safe and drug-free learning environment that supports student achievement. Funding authorized in this program is allocated to all school districts based on the relative amount of Title IA funds received by LEAs and district enrollment figures. Additional grants through the Governor's portion of the program are provided to communities in a competitive grant process.
Federal	PL 107-110 No Child Left Behind Act (NCLBA), 2001, Title IVA, Subpart 2, §4121 et seq. (2001)	Safe and Drug-Free Schools and Communities Act-Title IVA: National Programs  The State Grants part of Title IV, Part A of NCLBA of 2001, SDFCA, provides funds to LEAs, community-based organizations, or other eligible entities to support the following: Hate Crime Prevention (assistance to localities most directly affected by hate crimes); the National Coordinator Program (for LEAs to hire drug prevention and school safety coordinator programs); Community Service Grant Program (for LEAs to require community service of students who have been suspended or expelled); Grants to Reduce Alcohol Abuse (innovative and effective programs to reduce alcohol abuse in secondary schools); and Mentoring Programs (promote mentoring programs for children with greatest need).
Federal	PL 107-110 No Child Left Behind Act (NCLBA), 2001, Title IVB, §4201 et seq. (2001)	21st Century Community Learning Centers: Title IVB Establishes a competitive grant programs to be operated by states for communities to establish or expand activities in community learning center. Community learning centers are entities that 1) assist students in meeting academic achievement standards in core academic subjects with opportunities for academic enrichment activities and a broad array of other activities (such as drug and violence prevention, counseling, art, music, recreation, technology, and character education programs) during non-school hours or periods when schools are not in session that reinforce the regular academic programs of the schools attended by the students served and 2) offers families of students served opportunities for literacy and related educational development. Eligible applicants are LEAs, community-based organizations, or other public or private entities or a consortia thereof. Awards will only go to eligible entities that propose to serve students who attend schools eligible for Title I schoolwide programs or schools that serve a large percentage of students and their families with low-income.

IA Dept. of Education 2 09/01/06

Source	Citation	Summary	
	Weapons		
Federal	PL 107-110 No Child Left Behind Act (NCLBA), 2001, TitleV, Part A, Subpart 3, §5101 et seq. (2001)	Promoting Informed Parental Choice and Innovative Programs – Title VA: Local Innovative Programs  LEAs may apply to States for funds to be used for innovative assistance programs. Among eligible programs that are related to creating safe, drug-free school environments are: 1) community service programs that use qualified personnel to train and mobilize young people measurably strengthen their communities through non-violence, responsibility, compassion, respect, and moral courage; 2) programs to hire and support school nurses; expansion and improvement of school-based mental health services; 3) alternative education programs for suspended and expelled students; 4) programs to establish smaller learning communities; 5) initiatives to generate, maintain, and strengthen parental and community involvement; 6) service learning activities; and 7) school safety programs.	
Federal	PL 107-110 No Child Left Behind Act (NCLBA), 2001, TitleV, Part D, Subparts 3, §5401 et seq. (2001)	Promoting Informed Parental Choice and Innovative Programs – Title VD: Fund for the Improvement of Education Provides national competitive grant awards, some of which may be accessed by LEAs for the following programs that promote school safety: 1) Elementary and Secondary Counseling Programs; 2) Partnerships in Character Education; 3) Smaller Learning Communities; 4) Physical Education; 5) Grants to Improve the Mental Health of Children (for the integration of school and mental health systems and promotion of school readiness through early childhood social and emotional readiness); 6) Parental Assistance and Local Family Information Centers; and 7) Combating Domestic Violence.	
Federal	PL 107-110 No Child Left Behind Act (NCLBA), 2001, Title IVA, Subpart 3, §4141 (2001)	Safe and Drug-Free Schools and Communities Act-Title IVA: Gun Possession  The Gun Possession part of Title IV, Part A of NCLBA of 2001, SDFSCA, requires states receiving Federal funds to have in effect a State law requiring local educational agencies (LEAs) to expel from schools for a period of at least one year (i.e., 12 months) students who bring weapons to school and/or who possessed a weapon at school. This mandatory expulsion requirement is only triggered by "firearms," i.e., guns and bombs. Discretion is given superintendents to modify the expulsion requirement on a case by case basis if the modification is in writing. LEAs may provide such students educational services in an alternative setting. Violations of this law must be reported to law enforcement and to the State. This law must be administered in a manner consistent with I.D.E.A. Requires LEAs to have a policy requiring referral to the criminal or juvenile justice system of any student who brings a firearm or weapon to school.	
Federal	20 U.S.C. §8921 (1994)	Federal Gun-Free Schools Act of 1994 (GFSA) Requires states receiving Federal funds to have in effect a State law requiring local educational agencies (LEAs) to expel from schools for a period of at least one year (i.e., 12 months) students who bring weapons to school and/or who knowingly possess a weapon at school. This mandatory expulsion requirement is only triggered by "firearms," i.e., guns and bombs. Discretion is given superintendents to modify the expulsion requirement on a case by case basis. LEAs <i>may</i> provide such students educational services in an alternative setting. Violations of this law must be reported to law enforcement and to the State. This law must be administered in a manner consistent with I.D.E.A. (20 U.S.C. §1400 et seq.)	
State	Iowa Code §280.21B	Iowa law adopts the federal requirements above for Iowa schools that receive services supported by federal funds.	
Federal	18 U.S.C. §921(a)(3)	Definitions  The term "weapon" means "firearm." Regulatory guidelines from 1995 further describe objects defined as "weapons," including bombs, rockets, with propellant charges of more than 4 ounces, grenades, missiles with an explosive or incendiary charge greater than one quarter ounce, mines, or similar devices. Firearm includes a starter gun and means any weapon designed to expel a projectile by the action of an explosive; also includes the frame of such weapon, a muffler or silencer.	

IA Dept. of Education 3 09/01/06

Source	Citation	Summary
State	Iowa Code §702.7	Defines "dangerous weapon" as "any instrument or device primarily for use in inflicting death or injury upon a human being or animal, and which is capable of inflicting death upon a human being when used in the manner for which it was designed." Extends the definition to include also any instrument or device of any sort used in a manner that indicates the user intends to inflict death or serious injury on another and which, when so used, is capable of inflicting death on a human being is a "dangerous weapon." Dangerous weapons in Iowa include, but are not limited to, "any offensive weapon, pistol, revolver, or other firearm, dagger, razor, stiletto, switchblade knife, or knife having a blade exceeding five inches in length.
State	Iowa Code §280.17A	Reporting to Law Enforcement Requires the school board to adopt procedures for reporting to law enforcement any dangerous weapon brought onto school premises in violation of school policy or state law.
State	Iowa Code §280.17B	Continued School Involvement  Iowa law goes further than Federal law by requiring school districts to prescribe procedures for continued school involvement for students who are suspended or expelled for possession of a dangerous weapon and for reintegration into school following the suspension or expulsion. It does not define what is meant by "continuing school involvement."
Federal	Amendments to IDEA (1997) 34 CFR §300.520(a)(2)(i) (1999)	Students with Disabilities  Provides for a change in placement to an interim alternative educational setting for a child with a disability who carries a weapon to school or to a school function. The removal/change for that child may be for the same amount of time that a child without a disability would be subject to discipline, but for not more than 45 calendar days.
State	Iowa Code §724.22	Weapon Possession by Persons Under Twenty-One - The Sale, Loan, Gift, and/or Making Available  Establishes the conditions under which a person under twenty-one may possess a firearm; the liability of persons selling, loaning, giving, or making available firearms to minors; and provisions pertaining to the security, including trigger locks, required of persons storing firearms that could otherwise be accessed by a minor under the age of fourteen.
State	Iowa Code §724.4B	Carrying Weapons on School Grounds  Establishes a class "D" felony for any person carrying or transporting a firearm of any kind, <i>concealed or not</i> , onto school grounds unless exempted by the provisions of another part of the code.
State	Iowa Code §724.4A	Weapons Free Zones—Enhanced Penalties  Defines the area "in or on, or within one thousand feet of, the real property comprising a public or private elementary or secondary school," or a public park other than an area designated for hunting under the law. This section of code also states that a person who commits a public offence with a firearm or offensive weapon, within a weapons free zone shall be subject to a fine twice the maximum amount that might otherwise be imposed under violation of this or any other chapter.
		Alcohol, Tobacco, and Other Drugs (ATOD)
State	Iowa Code §279.9	Mandates school boards to make rules prohibiting the use of tobacco and the use or possession of alcoholic liquor, wine, or beer or any controlled substance by any student and permits school boards to suspend or expel a student for a violation of rules established under §279.9.
State	Iowa Code §280.24	Reporting to Law Enforcement  Requires school officials to notify law enforcement when a student uses or possesses alcohol or controlled substances on school premises when such use or possession violates state law or school policy.

IA Dept. of Education 4 09/01/06

Source	Citation	Summary	
Federal	Amendments to IDEA (1997) 34 CFR §300.520 (a)(2)(ii) (1999)	Students with Disabilities  Provides for a change in placement to an interim alternative educational setting of a child with a disability who knowingly possesses, uses, sells or solicits the sale of a controlled substance/illegal drugs at school or at a school function. The removal/change for that child may be for the same amount of time that a child without a disability would be subject to discipline, but not for more than 45 calendar days.	
Federal	20 USC 706(8)(c)(iv)	For alcohol and drug violations, students under the protections of §504 may be disciplined as general education students without a manifestation determination.	
State	Iowa Code §123.47B	Schools Notified of Alcohol Possession  Requires peace officers to make reasonable attempts to identify the school attended by a person under the age of 18 who is discovered to be in possession of alcoholic liquor, wine, or beer and to notify the superintendent or the superintendent's designee, or the authorities in charge of a nonpublic school the person attends. If the person is taken into custody, this responsibility transfers to a juvenile court officer.	
State	Iowa Code §124.415	Schools Notified of Drug Possession  Requires that juvenile court officers make reasonable attempts to notify the superintendent or the superintendent's designee, or the authorities in charge of a nonpublic school attended by a person under the age of eighteen who is taken into custody for possession of a controlled substance, counterfeit substance, or simulation of a controlled substance in violation of Chapter 124.	
Federal and State	20 U.S.C. §5965(a)(11) (1994); Iowa Code §124.401A & B	Drug-Free Zones  Authorizes the establishment of Drug-Free School Zones.	
Federal	PL 107-110 No Child Left Behind Act (NCLBA) 2001, Title IVC, §4301 et seq. (2001)	Environmental Tobacco Smoke: Pro-Children Act of 2001 – Title IVC  After enactment of NCLBA, prohibits any person from permitting smoking within any indoor facility owned or leased or contracted for, and used by, such person for provision of regular kindergarten, elementary or secondary education, library services, routine health or day care or early childhood development (Head Start) services to children.	
	Child Abuse		
State	Iowa Code §232.69(1)(b)(4)	Mandatory Reporters  Licensed school employees, certified paraeducators and holders of a coaching certificate are mandatory reporters of child abuse. If such person, in the scope of professional practice or in their employment responsibilities, examines, attends, counsels, or treats a child and reasonably believes that child has suffered abuse, he or she must make an oral report to the Iowa Department of Human Services within 24 hours.	
State	Iowa Code §232.70	Written Report to DHS / Notice to Reporter of DHS Action  A mandatory reporter must follow up an oral report to the Department of Human Services with a written report within 48 hours. The DHS worker is required to notify the person making the report within 24 hours whether the Department has commenced an assessment.	

IA Dept. of Education 5 09/01/06

Source	Citation	Summary
State	Iowa Code §232.70	Employer May Not Interfere  The employer or supervisor of a person who is a mandatory reporter or permissive reporter shall not apply a policy, work rule, or other requirement that shall interferes with the person making a report of child abuse.
State	Iowa Code §232.71(7)(a)	Requirement of Mandatory Reporters  Any mandatory reporter, whether or not the reporter made the specific child abuse report being investigated, is required to cooperate and assist in a child abuse assessment if requested to do so by the Department of Human Services.
State	Iowa Code §232.73	Immunity  A person who in good faith makes a child abuse report or cooperates in the assessment of such a report is immune from any civil or criminal liability that might otherwise arise in connection with the report.
State	Iowa Code §232.69(1)(b)(4)	Penalties  Any person, official, agency or institution which is required to report a suspected case of child abuse and fails to do so is guilty of a simple misdemeanor and civilly liable for the damage caused by such failure.
	T	
State	Iowa Code §232.69(3)	Mandatory Reporter Training Requirements  Mandatory child abuse reporters are required to obtain a statement of abuse reporting requirements from their employers within one month of employment and receive two hours of training on the identification and training of child abuse within six months of employment and every five years thereafter. The training program must use a curriculum approved by the State appointed abuse education review panel established by the director of public health and be offered by the Department of Human Services, the Department of Education, an area education agency, a school district, the Iowa Law Enforcement Academy, or similar public agency.
		FERPA/Student Records/Information Exchange/Reporting Requirements
Federal	20 U.S.C. 1232g (1994) 34 C.F.R. Pt. 99.1 and 99.67 (1997)	Family Education Rights and Privacy Act of 1974 (FERPA)  This Federal law states that student records, containing personally identifiable information other than that listed as directory information, are confidential. Parents and eligible students have access to the records. There are also certain exceptions for individuals and agencies named within the law. This act allows school officials to release student records to law enforcement <i>only</i> under the following conditions: 1) State statute allows for the reporting or disclosure and Information Sharing Agreements with juvenile justice agencies are in place; 2) the reporting or disclosure is to the juvenile justice system; and 3) the release enhances the system's ability to serve effectively the student prior to adjudication.
State	Iowa Code § 22.7(1)	Defines as confidential records the "personal information in records regarding a student, prospective student, or former student maintained, created, collected or assembled by or for a school corporation or educational institution maintaining such records."
State	281 Iowa Admin. Code 41.29-41.35	Students With Disabilities  Outlines requirements related to the confidentiality of information pertaining to IDEA '97 eligible individuals. Included are provisions pertaining to:  • information in educational records pursuant to 34 CFR Parts 99 and 300, July 1, 1999;  • access to educational records;  • amendment of educational records; and  • destruction of information.

IA Dept. of Education 6 09/01/06

State	Iowa Code §280.25	Sharing Information with DHS and Juvenile Court Services Allows schools to share information about a student with Juvenile Court Services, the Department of Human Services and other juvenile justice agencies, pursuant to the Information Sharing Agreement, in order to plan jointly and coordinate services to the student and the student's family. Information shared may not be used as the basis for either Juvenile Court action or school disciplinary action against the student. Requires school districts to have a policy on Information Sharing Agreements.
State	Iowa Code §235A.15(2)(b)(4)	Provides for the Department of Human Services to share child abuse information to the parties of a §280.25 agreement if the Department of Human Services approves the relevant provisions of such agreement and determines that such access is necessary to assist the Department of Human Services in its assessment and disposition of a child abuse case.
State	Iowa Code §232.147(6)	Allows Juvenile Court Services to share confidential social records with schools pursuant to a 280.25 Information Sharing Agreement.
State	Iowa Code §232.29(3)	Notice to Schools of a Delinquency Requires a Juvenile Court Officer to notify the school when a student, 14 years of age or older, receives an Informal Adjustment for an act which would be an Aggravated Misdemeanor or a Felony if committed by an adult.
State	Iowa Code §232.47(12)	Requires a Juvenile Court Officer to notify the school when a student is found guilty of a delinquent act, an act that would be a crime for an adult.
State	Iowa Code §279.9B	Notification of Courts by Schools Once school officials have been notified by a Juvenile Court Officer that a student is under supervision or has been placed on probation, the school must notify Juvenile Court each time a student receives an unexcused absence, is suspended or expelled.
State	281 Iowa Admin. Code 41.73(5)(a-c)	Requires that special education and discipline records for students with disabilities who have been reported for a crime be transferred by the LEA to appropriate authorities to whom the crime has been reported. This transfer of records is covered by FERPA.
State	Iowa Code \$235A.15(2)(e)(16) & \$235B.6(2)(e)(8)	Abuse Record Checks Authorizes school districts and nonpublic schools to request the performance of abuse record checks of persons filling volunteer and support staff positions.
Federal	PL 107-110 No Child Left Behind Act (NCLBA), 2001, Title X, §1061 (2001)	Student Privacy, Parental Access to Information, and Administration of Certain Physical Examinations to Minors - Title X Requires LEAs that are recipients of funds under NCLBA to develop and adopt policies, in consultation with parents, regarding the following: 1) the right of the parent to inspect certain personal information about the student collected, disclosed, or used, instructional materials for the student, and any survey created by a third party before the survey is administered or distributed to a student by the school; 2) any applicable procedures for granting a parent's request to inspect the survey or personal information within a reasonable time after the request is received; 3) arrangements to protect student privacy provided by the agency should the survey to be administered contain certain specified sensitive material; and 5) the administration of physical exams or screenings.
		Public Records
State	H.F. 2151	School Safety Plans This bill gives school districts, AEAs, and community colleges the discretion to make all or parts of their school safety plan a confidential record.

**Summary** 

Citation

Source

	Search and Seizure			
Federal	The Fourth Amendment of the Constitution	Constitutional Protection  "The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath and affirmation, and particularly describing the place to be searched, and the person or things to be seized."		
Federal Case Law	New Jersey v. T.L.O., 469 U.S. 325 (1985)	A Balancing Test  This Supreme Court ruling determined that school officials do not need probable cause to search a student. Provisions do, however, require that a balance between a student's right to privacy and a school's need to maintain security be maintained. Searches may be conducted when school officials have a <i>reasonable</i> suspicion that a school policy, rule, or law has been violated or a search is deemed necessary to maintain discipline. "Reasonableness" is determined through consideration of the following factors: 1) student's age, 2) student's record, 3) prevalence and seriousness of the problem in school; and 4) school official's prior experience with the student in school. When law enforcement officers initiate or are involved in searches conducted by school officials, the law enforcement officer must have probable cause.		
Federal Case Law	Vernonia School District 47J v. Acton 515 U.S. 646 (1996)	Student Athletes  The school's policies of drug testing-student athletes did not violate either the student's right to privacy or freedom from unreasonable searches.  The expectation of privacy of public school students is lesser than that of the general population, and student athletes even less.  Courts must balance student privacy interests with the schools' legitimate interests.		
State	Iowa Code §808A	Sets out the standards in Iowa for when, where, and how school officials may conduct searches. Requires both 1) a valid student search rule and 2) a valid search done pursuant to the rule. Protected student areas are treated differently than lockers, desks, and other facilities or spaces owned by the school.		
State	Iowa Code §808A.1 (5) & §808A.2 (1)	Student Search Rule Requires each school board to have a student search rule published in student handbooks that addresses searches of students; and search of protected student areas; and searches of lockers, desks, and other facilities or spaces defined by the school. In order to be a valid rule, it must require that the searches of students and protected student areas meet specific criteria, which are set in the law.		
State Case Law	State v. Jones, 666 N.W.2d 142 (Iowa 2003).	Case Law on the Student Search Rule Schools and school districts should not rely solely on the student search law in Iowa Code chapter 808A. The Court makes it clear that a student does have an expectation of privacy in the contents of his/her locker. However, this privacy may be "impinged upon for reasonable activities by the school in furtherance of its duty to maintain a proper educational environment." If the purposes of the search are directly related to maintenance of that proper educational environment and if the search is conducted in such a way to meet those purposes and nothing else, the search has a good chance of surviving a Constitutional challenge. THEREFORE, although section 808A.2(2) implies that a school or school district "may conduct periodic inspections of school lockers without prior notice", the Jones case throws this into great doubt. The prudent approach is to conduct a mass search of all lockers would now be to give prior notice to students.		
State	Iowa Code §808A.1 (1)	Protected Student Area  Protected student areas include, but are not limited to: 1) a student's body; 2) clothing worn or carried by a student; and 3) a student's pocketbook, briefcase, duffel bag, book bag, backpack, knapsack or other container used by a student for holding personal belongings which is in the immediate possession or proximity of the student. Strict standards apply to searches of protected student areas.		

**Summary** 

Source

Citation

IA Dept. of Education 8 09/01/06

Source	Citation	Summary
State	Iowa Code §808A.2 (3)	Searches of Lockers, Desks, or Other Facilities Owned by the School Random, periodic inspections of lockers, desks, or other facilities owned by the school district but provided as a courtesy to the student are permissible only if the following conditions are met: 1) the school district has notified in writing students and parents (or each student and the adult who enrolls the student at the school) at the beginning of the school year about the potential for such unannounced inspections; and 2) another individual (not necessarily the student) is present when lockers are inspected. 24-hour notice is no longer required for locker searches.
State	Iowa Code §808A.2 (3), (4)	Prohibitions Under no circumstances may a search be made which is unreasonable in light of: 1) the age of the student; 2) the non-seriousness of the violation; 3) the sex of the student; or 4) the nature of the suspected violation. A school official shall not conduct a search that involves: 1) a strip search; 2) a body cavity search; 3) drug sniffing dogs to search a student's body; or the search of a student by a school official not of the same sex as the student.
State	Iowa Code §808A.4	Exclusion of Illegally Obtained Evidence  Evidence obtained directly or indirectly as a result of a search conducted in violation of this Code chapter is inadmissible in a criminal proceeding against a student. In addition, evidence may not be admissible in Court if the chain of custody of that evidence cannot be proven.
IASB	Guidance (Mary Gannon)	Metal Detectors  Metal Detectors  Metal detectors have not been addressed directly in Federal or State code. They represent a generalized search, generally school-wide in scope, rather than individualized. Although a generalized search, they are minimally intrusive. Courts will probably uphold the search after balancing the school's interest in maintaining a safe environment with a student's privacy interest.
IASB	Guidance (Mary Gannon)	Breathalizers  Use of a breathalizer is targeted for use with individuals; therefore, the "reasonableness" test and the standards for protected student areas apply.
State	Iowa Code §808A.2(4)	Drug Dogs Prohibits school officials from conducting a search of a student's person with drug sniffing dog.
IASB	Guidance (Mary Gannon)	Automobile Searches  The courts have not yet provided guidance in this area. Prudent practice would suggest the application of the test of "reasonableness".  A suggestion is to limit need for searches by limiting access to cars during the school day.
		Surveillance
IASB	Guidance (Mary Gannon)	If video cameras are used in places where students do not hold expectations of privacy, such as in hallways and on busses, the Fourth Amendment regarding search and seizure probably does not apply. Use of such cameras in locker rooms or restrooms will probably invoke the protection of the Fourth Amendment. School districts using video cameras should probably have a board policy stating that the board approves the use of such cameras.
		Free Speech
Federal	First Amendment of the U.S. Constitution	Constitutional Right Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or <i>abridging the freedom of speech</i> , or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances

IA Dept. of Education 9 09/01/06

Source	Citation	Summary
Case Law	Tinker v. Des Moines School District 393 U.S. 503 (1969)	<ul> <li>Applies to Students</li> <li>School officials cannot deny students' freedom of expression if that expression does not interrupt the operations or activities of the school or intrude into school affairs.</li> <li>Student's constitutional rights do not end at the "school house gate."</li> </ul>
Case Law	Bethel School District v. Fraser 478 U.S. 675 (1986)	<ul> <li>Affirms students' rights to free speech under the protections of the First Amendment of the U.S. Constitution, including the right to advocate for unpopular and controversial views in schools.</li> <li>Balances this right against the interests of the school to teach socially appropriate behavior.</li> <li>Permits public schools to establish standards of civil and mature conduct.</li> </ul>
IASB	Discussion IASB's Student Issues Manual pp. 22-29 (1997)	Student Speech  Through a review of legislation and case law, clarifies the authority of school districts to regulate student speech in the following areas: unprotected speech; reasonable time, place, and manner restrictions; symbolic speech; verbal and written speech; ; student appearance; student rights to receive information; student freedom of association; distribution of student-produced materials; and hate speech.
State	Iowa Code §279.58	Dress Codes and Student Appearance  Permits school districts to adopt for the district or for an individual school within the district a dress code policy that prohibits students from wearing gang related or other specific apparel if the school board determines that the policy is necessary for the health, safety, or positive educational environment or for the appropriate discipline and operation of the school.
IASB	Discussion IASB's Student Issues Manual pp. 29-32 (1997)	In Iowa, students' rights to govern their own appearance while attending public school are protected by the Constitution. A school district, however, is permitted to regulate a student's appearance if the school district can prove the regulation is necessary in order to carry out its educational mission.
IASB	Discussion IASB's Student Issues Manual pp. 25-27 (1997)	Describes the authority of school boards to adopt reasonable policies regulating student apparel. "Reasonable" means that policies need to protect the safety of the students or to prevent disruption or distraction that interferes with the educational program. School districts also have the authority to ban apparel promoting products illegal for use by minors and clothing displaying obscene materials, profanity or reference to prohibited conduct. In order to regulate student appearance, the school district must be able to show that the clothing or other apparel violated board policy or regulations.
IASB	Discussion IASB's Student Issues Manual, p. 33 (1997)	Hate Speech Hate speech is speech, spoken, written, or symbolic, which is highly offensive and may cause intimidation. It may be based on race or any number of other characteristics such as religion, sex, or sexual orientation. The First Amendment limits a school district's authority to pass judgment on which types of speech are or are not acceptable. School districts cannot specifically or arbitrarily prohibit hate speech. If school district officials can prove that the speech violated the district's policy because it would cause material and substantial disruption to the educational program, the speech can be regulated.

Source	Citation	Summary
--------	----------	---------

	Bullying and Harassment			
Federal	20 U.S.C. §1681(a) (1972)	Sexual Harassment  Prohibits sex discrimination, including sexual harassment in all school programs and activities whether it takes place in the facilities of a school, on a school bus, or at a school-sponsored event. Protects both males and females from sexual harassment by school staff or by other students. Defines sexual harassment in two forms: quid quo pro harassment and hostile environment harassment. The law requires schools to have and publish laws against sexual discrimination, to adopt and publish grievance procedures, and have at least one person responsible for coordinating efforts to comply with Title IX.		
IASB	Discussion IASB's Student Issues Manual, pp. 72-73 (1997). Davis v. Monroe County Board of Education, 119 S.Ct. 1661 (1999)	Case law on student-to-student harassment is developing. "Harassment" is defined as verbal or physical conduct imposed on the basis of race, color, creed, religion, gender, national origin or disability that denies, limits or provides different aid, benefits and services, or conditions the provision of aid, benefits, services or treatment which are protected under the law. Sexual orientation or sexual preference is not protected, but may be added to the list of protected characteristics by a school board. When analyzing the effects of harassment, the courts have looked at how the conduct would be perceived by a reasonable person in the victim's circumstances and not how it was intended by the harasser. A school district may be held liable for student-to-student harassment if it can be shown that school officials knew or should have known of the harassment but failed to take prompt, reasonable and effective action to demonstrate that such behavior is not permitted nor will it be tolerated in the future. School boards have a responsibility to eliminate and prevent harassment in the school district by: 1) adopting a policy prohibiting harassment and stating that the board is serious about eliminating it; 2) adopting a complaint procedure; and ensuring that students and employees receive education about how to recognize and report it; 3) educating employees about harassment identification and prevention and their role.		
State	281 Iowa Admin. Code 12.3(6)	Requires that student responsibility and discipline policies adopted by school boards include provisions related to harassment of or by students and staff.		
	Gang Recruitment and Activity			
State	Iowa Code §723A.3	<ul> <li>"A person who solicits, recruits, entices, or intimidates a minor to join a criminal street gang commits a class 'C' felony."</li> <li>"A person who conspires to solicit, recruits, entices, or intimidates a minor to join a criminal street gang commits a class 'D' felony."</li> <li>Defines "criminal street gang" as any ongoing organization, association, or group of three or more persons…having as one of its primary activity the commission of one or more criminal act. In Iowa Code §723A.1(2)</li> <li>Defines "pattern of criminal gang activity." In Iowa Code §723A.1(3)</li> </ul>		
IASB	Discussion IASB's Student Issues Manual pp.30-32 (1997)	Provides a review of legislation and case law pertaining to gang dress and activity and their implications for the development of school board policies.		

IA Dept. of Education 11 09/01/06

Source	Citation	Summary			
	Policy Regarding Criminal Justice System Referral				
Federal	20 U.S.C. §8921	Weapons  Requires local education agencies to establish policy requiring referral to the criminal justice or juvenile delinquency system of any student who brings a weapon or firearm to a school served by such an agency.			
State	Iowa Code §280.17A	School board must adopt procedures for reporting to law enforcement any dangerous weapon brought onto school premises in violation of school policy or state law.			
State	Iowa Code §280.24	Drugs and Alcohol Requires school officials to notify law enforcement when a student uses or possesses alcohol or controlled substances.			
State	Iowa Code §279.9B	Absences, Suspensions, and Expulsions of Youth Under Court Supervision  Once school officials have been notified by a Juvenile Court Officer that a student is under supervision or has been placed on probation, the school must notify Juvenile Court each time the student receives an unexcused absence, is suspended or expelled.			
	Assault/Corporal Punishment				
State	Iowa Code §280.26	Intervention in Altercations  Employees of accredited public and non-public schools and AEAs may intervene in fights or physical altercations among students or between students and non-students that occur on the school's grounds, premises or at school sponsored events in order to restore order and protect the safety of those involved and others in the vicinity of the fight. The extent of force may be as reasonably necessary in the judgment of the employee.			
State	Iowa Code §708.1	Assault by an LEA or AEA Staff Member  Employees of a school district or AEA staff members cannot be charged with assault when using reasonable force to intervene in fights occurring in a school building, on school grounds, or at official school functions.			
State	Iowa Code §280.21 & 281 Iowa Admin. Code -103.1 et seq.	<ul> <li>Corporal Punishment</li> <li>Provides that school district employees shall not inflict "corporal punishment" upon a student.</li> <li>Defines "corporal punishment" as physical punishment, including the use of unreasonable or unnecessary physical contact made with the intent to harm or cause pain.</li> <li>§280.21 includes a proviso that "an employees physical contact with the body of a student shall not be considered corporal punishment if it is reasonable and necessary under the circumstances and is not designed or intended to cause pain or if the employee uses reasonable force as defined in §704.1</li> <li>Iowa Administrative Code outlines a set of rules related to the use of "reasonable and necessary force", not intended to cause pain, including the use of physical restraint.</li> </ul>			

IA Dept. of Education 12 09/01/06

Source	Citation	Summary	
State & IASB	281 Iowa Admin. Code 102.1 et seq. & Discussion IASB's Student Issues Manual pp. 17-23 (1997)	Outlines rules of the Department of Education for the investigation of physical or sexual abuse of students by school district employees. Issues related to the abuse of students are often referred to as "102" issues for these rules. IASB Manual provides guidance for implementation of investigation procedures.	
State	281 Iowa Admin. Code 103.6	Physical Confinement and Detention  Delineates the conditions required if a student is physically confined or detained in a portion of a school facility. Includes specifications for the construction confinement space, requirements pertaining to supervision of the confinement and the length of confinement, and restrictions on the use of material restraints.	
Federal/ State	20 U.S.C. §1400 et seq. / Iowa Code §282.4(2)	Student Assault on an Employee  Requires suspension for a student who commits an assault against a school employee in a school building, on school grounds, or at a school-sponsored function. The law defines the procedures and considerations to be used when executing the suspension; further sanctions may include expulsion, but a 10-day or longer removal of the student must follow proper due process. No action may be taken that would violate the Federal I.D.E.A.	
State	Iowa Code §704.1	Defines "reasonable force" as that force which is necessary to avoid a reasonable likelihood of personal injury or risk to life or safety or the life or safety of others.	
State	281 Iowa Admin. Code 102.1 et seq.	Assault by an LEA or AEA Staff Member Establishes procedures for investigating allegations of physical or sexual abuse of students by employees.	
State	281 Iowa Admin. Code 103.4	Does not prohibit the use of reasonable force, not designed or intended to cause pain, under a set of specified circumstances: prevent a student from harming self or others, to obtain a weapon or dangerous object from a student, for self defense, to protect property, to remove a student.	
State	Iowa Code §280.22 §613.20	School Employee Immunity  Establishes civil and criminal immunity for a school employee who in good faith reports or investigates violence, threats of violence, or other inappropriate activity against a school employee or student.	
Student Policies and Codes of Conduct			
Federal	The Fourteenth Amendment of the Constitution	All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the States wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of its laws.	

IA Dept. of Education 13 09/01/06

Source	Citation	Summary
State	281 Iowa Admin. Code 12.3(6) (General Accreditation Standards) (1999)	Requires school boards to adopt student responsibility and discipline policies that include, but are not limited to, provisions for: attendance; use of tobacco; use or possession of alcoholic beverages or any controlled substance; harassment; violent, destructive, and seriously disruptive behavior; suspension, expulsion, emergency removal, weapons, and physical restraint; out-of school behavior; participation in extracurricular activities; academic progress; and citizenship. Involvement of parents, students, instructional and non-instructional professional staff, and community members in the development and revision of the policies is required where practicable or unless otherwise indicated by this legislation. Policy provisions must also include assurance of due process rights, and provisions for publicizing board support of the policies and expectations for their implementation, consideration of the potential, disparate impact of the policies because of race, color, national origin, gender, disability, religion, creed, or socioeconomic background.
IASB	Discussion IASB's Student Issues Manual, pp. 44-45 (1997	Suggests that school districts develop a transportation conduct policy similar to other district conduct policies and provides a model of provisions for such policy. Includes information on procedures recommended when suspending or revoking bus privileges.
Case Law	Goss v. Lopez 419 U.S., 565 (1975)	<ul> <li>Suspension-Expulsion</li> <li>Due process must be afforded students who are facing temporary suspension.</li> <li>Due process protections include the right of students to receive written or oral notice of the charges against them an opportunity to present their version of the occurrence that precipitated the suspension and representation by an attorney.</li> </ul>
State	Iowa Code §282.4 (1999)	Establishes the circumstances under which a student may be suspended or expelled from school, and prohibits (without a majority vote by the school board) the enrollment of a student in a school district who has been suspended or expelled and has not met the conditions of that suspension or expulsion.
IASB	Discussion IASB's Student Issues Manual, pp. 71-73 (1997)	Describes the procedures that school districts must have in place when they expel students pursuant to gun-free schools laws: suspension or expulsion of student for possession of a dangerous weapon; continuation of the students' school involvement; and for reintegrating the student in school following the suspension or expulsion.
Case Law	S-1 v. Turlington 635 F.2d 342 (5 <sup>th</sup> Cir. 1981)	<ul> <li>Manifestation Determination</li> <li>Requires an I.E.P team to consider the relationship of a student's misconduct the student's disability (manifestation determination).</li> <li>If the IEP Team decides there is no relationship between the misconduct and the disability, the school may apply its ordinary disciplinary procedures.</li> <li>Educational services must be continued during the student's expulsion.</li> </ul>
Case Law	Honig v. Doe 484 U.S. 305 (1988)	<ul> <li>"Stay Put"</li> <li>Schools' recourse to "stay put" for students with disabilities is to demonstrate in court that maintaining the child in his or her current placement is substantially likely to result in injury to him/herself or others.</li> <li>If it is so determined, the court may order the student to an alternative educational placement.</li> </ul>
Federal	29 U.S.C. §794 (§504 of the Rehabilitation Act of 1973) 34 CFR 104.339	Section 504 Provides protections related to removal from school of students identified under Section 504 (i.e., individuals with disabilities) from discrimination. Section 504 defines the requirements and structure surrounding the execution of the discipline procedures of suspension and expulsion of Section 504 eligible students including manifestation determination

		<ul> <li><u>Discipline Provisions I.D.E.A</u></li> <li>Defines what constitutes a change of placement for disciplinary removal of an IDEA '97 eligible student.</li> </ul>		
Federal	Amendments to IDEA (1997) 34 CFR §300.519-300.529	<ul> <li>Delineates the authority of and requirements on school personnel for disciplinary removal of an IDEA '97 eligible student</li> <li>Describes the circumstances under which a functional behavior assessment and a behavioral intervention plan is required for IDEA '97 eligible students who are subject to disciplinary removal.</li> <li>Describes the circumstances under which an administrative law judge (ALJ) may order a change of placement for a child with a disability to an appropriate interim alternative educational setting</li> <li>Requires that the interim alternative educational setting described above be determined by an IEP team and describe the conditions that constitute the "appropriateness" of such a setting.</li> <li>Outlines the circumstances under which a manifestation determination review is required, and the procedures and guidelines for the decisions made in such a review.</li> <li>Contains provisions for parent appeal of a decision of from the manifestation determination, for an expedited hearing, and for placement of a child during the appeal.</li> <li>Defines the protections afforded children not yet eligible for special education and related services.</li> <li>Provides for reporting a crime committed by a child with a disability to appropriate authorities and for the transference of records to the extent permitted by FERPA.</li> </ul>		
Federal	PL 107-110 No Child Left Behind Act (NCLBA), 2001, Title IV §4114 (d)(7) (2001)	<ul> <li>Discipline Related Provisions of the No Child Left Behind Act, 2001</li> <li>Schools accessing funds under Title IVA, Safe and drug-Free Schools and Communities, of NCLBA requires that the schools served</li> <li>have appropriate and effective school discipline policies that prohibit disorderly conduct, the illegal possession of weapons, and the illegal use, possession, distribution, and sale of tobacco, alcohol, and other drugs by students;</li> <li>security procedures at school and while students are on the way to and from school;</li> <li>prevention activities that are designed to create and maintain safe, disciplined, and drug-free environments;</li> <li>a crisis management plan for responding to violent or traumatic incidents on school grounds; and a code of conduct policy for all students that clearly states the responsibilities of students, teachers, and administrators in maintaining a classroom environment</li> <li>that a) allows a teacher to communicate effectively with all students in the class; b) allows all students in the class to learn; c) has consequences that are fair, and developmentally appropriate; and d) considers the student and the circumstances is enforced accordingly</li> </ul>		
Attendance/Truancy				
State	Iowa Code §§299.1-2	Compulsory Attendance Requires that a child who has reached the age of six (6) and is under 16 years of age by September 15 attend a public school or an accredited nonpublic school, or receive competent private instruction. Outlines six exceptions to that requirement. Causing a child to attend school is the responsibility of the parent, guardian, or custodian.		
State	Iowa Code §299.8	<ul> <li>Truancy</li> <li>Defines a child of compulsory attendance age who fails to attend school as "truant."</li> <li>The number of days that must be missed in order to be deemed "truant" is determined by the policies of each school board.</li> </ul>		

Source

Citation

Summary

IA Dept. of Education 15 09/01/06

Source	Citation	Summary
State	Iowa Code §\$299.10-11	Truancy Officers  School Boards may appoint a truancy officer. A truancy officer has the authority to take an apparently truant child into custody, without a warrant, and place that child in the custody of the school principal or the principal's designee.
State	Iowa Code §§299.1B, 299.5A-6A, 299.8-9 239B.2A	<ul> <li>Sanctions</li> <li>Defines penalties for parents of truant children and the responsibilities of school districts concerning a student's truancy. Includes provisions for involvement of a mediator.</li> <li>Provides that a truant student, who is not employed at least 20 hours per week, may not obtain a driver's license until age 18.</li> <li>Provides that school boards shall prescribe reasonable rules for the punishment of truants, but finding that a child is truant is not, by itself, grounds for filing a Child in Need of Assistance action in Juvenile Court.</li> <li>Provides that children who are in grades K-6 must attend school and, if deemed truant, the school district must initiate an intervention process. For families receiving Family Investment Program (FIP) assistance and/or LearnFare, the Department of Human Services is the responsible party, and the families risk losing their benefits.</li> </ul>
Fire and Tornado Drills		Fire and Tornado Drills
State	Iowa Code §100.31	<ul> <li>School districts are required to hold fire and tornado drills. School districts must have two fire and two tornado drills before Dec. 31 and two fire and two tornado drills after January 1 for a total of eight each school year.</li> <li>School districts need to have specific procedures in place in case of drills or actual emergencies. School districts should also have crisis plans in place to assist them in case of an emergency.</li> </ul>
Safe School Environments		
State	Iowa Code §281.11 (1-5) 2003	Unsafe School Choice Option – Persistently Dangerous Schools  This chapter was adopted to update the rules in conformity with the federal legislation, <i>No Child Left Behind Act of 2001</i> , section 9532, in which each state receiving federal funds is required to establish and implement a statewide policy requiring that a student attending a persistently dangerous public elementary school or secondary school or who becomes a victim of a violent criminal offense while in or on the grounds of a public elementary or secondary school that the student attends, be allowed to attend a safe school within the district. Chapter 11, Section 281.11 requires local school districts to implement the policy by permitting parents the option to transfer their child to another school within the district when the school that the student attends is identified as "persistently dangerous" according to the criteria established in the policy or when the student is a victim of violent crime under the provisions of the policy. The policy also requires that the district report data and requested information related to this rule to the department in a manner prescribed by the department and defines remedial actions that must be undertaken by a school district if it is identified as "persistently dangerous".